

a personal identifier including the SSN, EIN, or name.

[57 FR 46297, Oct. 8, 1992, as amended at 58 FR 47204, Sept. 8, 1993; 59 FR 52408, Oct. 18, 1994]

#### **§ 400.403 Required System of Records.**

Thirty days after the publication in the FEDERAL REGISTER of this rule, direct insurance companies and reinsured companies are required to implement a system of records for obtaining, using, and storing documents containing SSN or EIN data. This data should include: name; address; city and state; SSN or EIN; and policy numbers which have been used by the FCIC, the direct insurance company, or the reinsured companies.

#### **§ 400.404 Policyholder responsibilities.**

(a) The policyholder or applicant for crop insurance must provide a correct SSN or EIN to the FCIC, the direct insurance company, the reinsured company, or ASCS to be eligible for insurance. The SSN and EIN will be used by the FCIC, the direct insurance companies, and the reinsured companies in:

- (1) Determining the correct parties to the agreement or contract;
- (2) collecting premiums;
- (3) determining the amount of indemnities;
- (4) establishing actuarial data on an individual policyholder basis; and
- (5) determining eligibility for program benefits.

(b) If the policyholder or applicant for crop insurance does not provide the correct SSN or EIN on the application and other forms where such SSN or EIN is required, the FCIC, direct insurance company, or reinsured company will reject the application.

(c) The policyholder is required to provide to FCIC, the insurance company, the reinsured companies, and ASCS the name and SSN or EIN of any individual or company holding or acquiring access to a substantial beneficial interest in such policyholder.

#### **§ 400.405 Company responsibilities.**

The insuring or reinsured company is required to collect and record the SSN or EIN on each application or any other form required by the FCIC.

#### **§ 400.406 Restricted access.**

The Manager, other officer, or employee of the FCIC or authorized person (as defined in § 400.402(e)) may have access to the EINs and SSNs obtained pursuant to § 400.404 only for the purpose of establishing and maintaining a system of records necessary for the effective administration of the FCI Act in accordance with § 400.404 of this part. These numbers may be used in administering the FCI Act.

[58 FR 47204, Sept. 8, 1993]

#### **§ 400.407 Safeguards and storage.**

(a) Access to records identifying an applicant's SSN or EIN is restricted as provided in § 400.406. Records must be secured in locked file storage, secured computer data files, or similar safe storage. An authorized person, as defined in § 400.402(d) must maintain hardcopy records in file folders and, when not in use, such copies must be:

- (1) Locked in a cabinet or safe;
- (2) On a computer accessed only through a secure computer system procedure;
  - (i) Locked; or
  - (ii) On a computer accessed only through a secure computer system procedure.

(b) Records identifying a SSN or EIN stored on computer printouts, hard or floppy diskette, microfiche, or index cards must be kept in locked file cabinets, safes, or in secured computer systems.

#### **§ 400.408 Unauthorized disclosure.**

Anyone having access to the records identifying a participant's SSN or EIN will abide by the provisions of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), and section 6109(f), Internal Revenue Code of 1986 (26 U.S.C. 6109(f) and the Privacy Act of 1974 (5 U.S.C. 552a). All records are confidential, and are not to be disclosed to unauthorized personnel.

#### **§ 400.409 Penalties.**

Unauthorized disclosure of SSN's or EIN's by any person may subject that person, and the person soliciting the unauthorized disclosure, to civil or criminal sanctions imposed under various Federal statutes, including 26